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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,263

08/23/2006

Johannes Jacobus Franciscus Geijtenbeek

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

LEE, BRENITRA M

ART UNIT

PAPER NUMBER

4176

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,263	<b>Applicant(s)</b> GEIJTENBEEK ET AL.	
	<b>Examiner</b> BRENITRA M. LEE	<b>Art Unit</b> 4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>25 April 2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office Action is in response to the applicant's communication filed on 25 April 2007 and the preliminary amendments filed therewith. In virtue of this communication, claims 1-14 are currently presented in the instant application.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

2. The information disclosure statement submitted on 25 April 2007 is in compliance with 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. Applicant is noted that the patent reference inventor's name and publication reference listed therein has been corrected as Boroczki and U.S. Patent Application Publication 2003/0102808, respectively.

#### ***Drawing Objections***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "2" of Fig. 3 has been used to designate both the lamp cap and the shaped wall. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

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the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 2, reference character "31" is not in the description of drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification Objections***

5. The specification of the disclosure is objected to because of the following informalities:

Page 2, line 33, "0,5" should be changed to --0.5--;

Page 3, line 10, "0,025" and "0,3" should be changed to --0.025 and 0.3--, respectively; and

Page 3, line 11, "0,008" should be changed to --0.008--.

Appropriate correction is required.

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "The filling of the discharge vessel is free of Cs" recited in lines 1-2 of Claim 12.

***Claim Objections/Minor Informalities***

7. Claims 4 and 6 are objected to because of the following informalities:

Claim 4, line 3, "0,5" should be changed to --0.5--; and

Claim 6, lines 3-4, "0,001", "0,5", "0,025", and "0,3 should be changed to --0.001--  
, --0.5--, --0.025-- and --0.3--, respectively.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 14 provides for the use of a method for manufacturing a vehicle headlamp, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite

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where it merely recites all mechanical structure elements without any active, positive steps delimiting how this use is actually practiced.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackson et al. (U.S. Patent 6,861,805 B2).

With respect to claim 1-3, Jackson et al. discloses in Figs. 8 and 9 a metal halide lamp comprising a discharge vessel surrounded by an outer envelope with clearance and having a ceramic wall (Col. 4, lines 36-40) which encloses a discharge space filled with a filling comprising an inert gas, such as xenon (Xe), and an ionizable salt (Col. 4, lines 47-49), wherein in said discharge space two electrodes are arranged whose tips have a mutual interspacing so as to define a discharge path between them, characterized in that said ionizable salt comprises NaI, TlI, CaI<sub>2</sub> and X-iodide, wherein X is one or more elements selected from the group comprising rare earth metal (Col. 5, lines 20-21) which comprises Ce (since Ce has been known as an element of the rare earth metals; see prior art of record to Dakin et al.; U.S. Patent Application Publication 2003/0102808 A1; paragraph 0024, lines 3-7).

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With respect to claim 4, Jackson et al. discloses a lamp according to claim 1 wherein the molar percentage ratio  $X\text{-iodide}/(\text{NaI} + \text{TlI} + \text{CaI}_2 + X\text{-iodide})$  lies between 0 and 10%, in particular between 0.5 and 7%, more in particular between 1 and 6% (Col. 8, lines 66-67 continuing to Col. 9 lines 1-2).

With respect to claim 5, Jackson et al. discloses a lamp according to claim 1 wherein the molar percentage ratio  $\text{CaI}_2/(\text{NaI} + \text{TlI} + \text{CaI}_2 + X\text{-iodide})$  lies between 10 and 95% (Col. 8, lines 66-67 continuing to Col. 9 lines 1-2).

With respect to claim 6, Jackson et al. discloses a lamp according to 1, wherein the amount of NaI, TlI, CaI<sub>2</sub> and X-iodide lies between 0.001 and 0.5 g/cm<sup>3</sup>, in particular between 0.025 and 0.3 g/cm<sup>3</sup> (Col. 8, lines 66-67 continuing to Col. 9 lines 1-2).

With respect to claim 7, Jackson et al. discloses a Lamp according to claim 1, emitting light during stable nominal operation having a color temperature  $T_c$  above 3500K (Col. 3, lines 15-17), wherein the filling of the discharge space also comprises a halide selected from Mn and In (Col. 5, lines 61-67).

With respect to claim 8, Jackson et al. discloses a lamp according to claim 1, wherein the filling comprises Hg (Col. 8, lines 62-63).

With respect to claim 9, Jackson et al. discloses in Fig. 4 a lamp according to claim 1, wherein the lamp has wall load when in stable operation at rated power of at least 30 W/cm<sup>2</sup> (Col. 7, lines 45-46).

With respect to claim 10, Jackson et al. discloses a lamp according to claim 1, wherein at least one electrode extends inside the discharge vessel over a length

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forming a tip to bottom distance (t-b) between the discharge vessel wall and the electrode tip and which the tip to bottom distance (t-b) is at most 4.5mm (Col. 8, lines 41-44).

With respect to claim 11, Jackson et al. discloses in Fig. 9 a lamp according to claim 1, wherein the discharge vessel has a rectangular cross section along the discharge path and wherein the tip to bottom distance (t-b) is at most 3.5mm (Col. 8, lines 41-44).

With respect to claim 12, Jackson et al. discloses in Fig. 8 and 9, a lamp according to claim 1, wherein the filling of the discharge vessel is free of Cs.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).



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15. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. in view of Böröczki et al.

With respect to claim 13 and 14, Jackson et al. discloses all of the claimed limitations as expressly recited in claim 1, except for specifying that the lamp being used in a vehicle.

Böröczki et al. discloses in Fig. 1 a metal halide lamp to be used in a vehicle headlamp (Col. 2, line 45; Col. 5 lines 31-34).

It would have been obvious of one of ordinary skill in the art at the time the invention was made to employ the lamp of Jackson et al. as headlights in a vehicle since the lamp of Jackson et al. is of a type of metal halide lamp which has been commonly used in vehicle headlights as evidenced by the teachings of Böröczki et al. (see Col. 2, line 45 and Col. 5, lines 31-34).

***Citation of Pertinent Prior Art***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Eisemann (U.S. Patent 6,946,797) teaches a metal halide fill for forming an ionizable fill comprising at least one inert gas, mercury and at least one halogen;

Sakai et al. (U.S. Patent 6,639,341) teaches a metal halide discharge lamp that has an arc tube filled with at least sodium halide and scandium halide. The arc tube is formed at its opposite ends having electrodes; and

Kato et al. (U.S. Patent Application Publication (2005/0122047) teaches a metal halide lamp used as an automotive headlamp apparatus. The discharge vessel contains a pair of electrodes and sodium halide, scandium halide and rare earth metals.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENITRA M. LEE whose telephone number is (571)270-7552. The examiner can normally be reached on Monday-Friday (Alt. Friday off) 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thuy V. Tran can be reached on 571-272-1828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Thuy Vinh Tran/

Supervisory Patent Examiner, Art Unit 4176